Court, Judges, and Lawyers
Political Science 345
Fall, 2012

Professor John Gruhl
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Office hours: MWF 3:30-5
Office phone: 472-3218
Email: jgruhl1@unl.edu. If you email me, put the course number or name on the subject line.

Course Outline:

I. Law and Jurisprudence

Western Law
   Banks and O'Brien, ch. 1; “Eggs for Sale"

Western Jurisprudence

II. Courts

Structure and Jurisdiction of the Courts
   Banks and O'Brien, 57-91

III. Judges: Selection and Retention

Selection of European Judges

Selection of American State Judges
   Banks and O'Brien, pp. 118-129; “Rendering Justice, With One Eye on Re-Election”

Selection of American Federal Judges
   Banks and O'Brien, pp. 130-158; Toobin, chs. 1,2,5,6,8,20-24; “Number Nine”; “Court under Roberts is Most Conservative in Decades”; “The Conservative Takeover Will Be Complete”

Independence of American Judges

First Midterm Exam — Oct. 1 (tentative)

IV. Lawyers

Nature of the Legal Profession
   Banks and O'Brien, pp. 173-185. The following articles are optional but highly recommended for students considering law school: “What They Don't Teach Law Students: Lawyering”; “No Longer Their Golden Ticket”; “Is Law School a Losing Game?”; “The Debt of Service”; “Behind the Curve”

Kahlenberg (entire book)

Availability of Legal Services
   Banks and O'Brien, pp. 186-193; "What is the Matter with Solicitation?"
V. Individuals and Interest Groups: Access to Courts

Individuals in Court
Harr (entire book)

Interest Groups' Efforts To Gain Access
Banks and O'Brien, pp. 210-212, 216; Toobin, chs. 7 & 10;
"Extreme Makeover"

Interest Groups' Efforts To Gain Access: Class Actions
Restrictions on Access: Standing To Sue
Banks and O'Brien, pp. 199-206, except Sidebar 6.1;
"Warth v. Seldin"; "Northeastern Florida Contractors v.
Jacksonville"

Second Midterm Exam -- Nov. 2 or 5 (tentative)

VI. Judges: Decision Making

Interpreting Statutes

Why Do Judges Interpret Statutes?

Exercising Power when Interpreting Statutes

Interpreting the Constitution

Why Do Judges Interpret the Constitution? Should They Follow
the Founders' Intentions?
"If Scalia Had His Way"; "Women Aren't People Under
Scalia's Constitution"

Exercising Power when Interpreting the Constitution
Banks and O'Brien, p. 328; "Conservatives Embrace Judicial
Activism in Campaign Finance Ruling"; "Unregulated
Offensive"; "What's a Liberal Justice Now?"

Following Precedents

Why Do Judges Follow Precedents?
Toobin, chs. 3 & 4

Making Decisions
Toobin, chs. 9, 11-19, 25, Epilogue

VII. Judges: Power

Use of Judicial Review
"The Supreme Court's Role in National Policy-Making"; "The
Supreme Court and National Policy Making"; "Rethinking the
Civil Rights and Civil Liberties Revolution"; "Does the
Supreme Court Represent American Public Opinion?"

Checks against the Courts
Banks and O'Brien, pp. 345-352
Impact of the Courts

Final Exam—Mon., Dec. 10, 1-3

Course Reading:

Banks and O’Brien, Courts and Judicial Policymaking
Toobin, The Nine
Kahlenberg, Broken Contract
Harr, A Civil Action

The articles and cases listed on the syllabus are available through the library’s e-reserves, accessible via Blackboard or the library’s own website.

Course Requirements and Grading:

There will be two midterm exams and a non-comprehensive final exam. These will be all essay. Each will count for two-sevenths of your course grade. There is also an expectation that you will participate in class, with questions and comments during lectures and discussions. (Attendance itself does not count as participation—you have to participate.) Participation will count for the remaining one-seventh of your course grade. If your grade based on exams and participation falls on or near a borderline, your pattern of improvement or decline on exams will be taken into account.

Distribution for the course:

<table>
<thead>
<tr>
<th>Component</th>
<th>Points</th>
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<tbody>
<tr>
<td>first midterm exam</td>
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<tr>
<td>second midterm exam</td>
<td>100</td>
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<tr>
<td>final exam</td>
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<tr>
<td>class participation</td>
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<tr>
<td>total</td>
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Grading scale for the course:

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<th>Percentage Range</th>
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<tr>
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<td>90-92</td>
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<td>B+</td>
<td>87-89</td>
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<tr>
<td>B</td>
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<td>80-82</td>
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<td>C+</td>
<td>77-79</td>
</tr>
<tr>
<td>C</td>
<td>73-76</td>
</tr>
<tr>
<td>C-</td>
<td>70-72</td>
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<tr>
<td>D+</td>
<td>67-69</td>
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<tr>
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Grading scale for the exams:

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<tr>
<td>A-</td>
<td>315-325</td>
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<td>B+</td>
<td>305-314</td>
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<td>210-220</td>
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<tr>
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<td>0-209</td>
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If you’re taking this course on a pass-no pass basis, you must do C (not C-) work to pass, in accordance with university policy. (Note: political science courses, except internships, taken on a pass-no pass basis do not count toward a political science major.)
Course Policies:

Attendance: Not taken, but you, of course, are responsible for all material covered in class and need to attend to participate. A significant portion of the exams will come from material covered in class.

Make-up Exams: Available only in special circumstances. You should receive prior permission from me or certification by a doctor. If you do not take an exam, you will receive zero points.

Incompletes: Available only in special circumstances.

Cheating: Using crib notes during exams, or copying from other sources—students, periodicals, books, internet, etc.—without proper acknowledgment is cheating. These and any other forms of cheating will result at least in a F for the exercise; they may result in more serious punishment in accordance with university policies. If you have questions about proper acknowledgment, see me.

Disability: Students with disabilities should contact me for a confidential discussion of their individual needs. It is UNL policy to provide flexible and individualized accommodation to students with documented disabilities that may affect their ability to fully participate in course activities or meet course requirements. To receive accommodation services, students must be registered with the Services for Students with Disabilities (SSD) office, 132 Canfield Administration, (402) 472-3787.